

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES GATLING,

Plaintiff,

-v-

WARDEN MARK HUGHES, *et al.*,

Defendants.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:**No. 08 Civ. 4025 (RJS)
ORDERRICHARD J. SULLIVAN, District Judge:

Before the Court is *pro se* plaintiff Charles Gatling's application for the Court to request counsel, filed August 22, 2008. Plaintiff previously moved for the appointment of counsel on March 24, 2008. The Court denied that motion without prejudice by order of May 28, 2008. In that order, the Court expressly stated that "[a]ny renewed application should be accompanied by an affidavit establishing facts supporting [the factors outlined in *Hodge v. Police Officers*, 802 F.2d 58, 61 (2d Cir. 1986)]"

Plaintiff did not submit an affidavit in conjunction with his August 22, 2008 application, and has failed to present any new facts to the Court supporting his renewed application. Accordingly, Plaintiff's application is denied for the reasons set forth in the Court's May 28, 2008 order. The Clerk of the Court is respectfully directed to terminate the motion located at document number 10.

SO ORDERED.

Dated: August 27, 2008
New York, New York
RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

Copies of this order were mailed to:

Charles Gatling
349-08-0203
North Infirmary Command
15-00 Hazen Street
East Elmhurst, NY 11370